

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JASON R. TEAGLE

Plaintiff,

-v.-

Civil Action No.
1:05-cv-701 (GLS/DRH)

THE UNITED STATES OF AMERICA

Defendant.

APPEARANCES:

FOR THE PLAINTIFF:

FRANK M. PELL, ESQ.
Office of Frank M. Pell
329 Albany-Shaker Road
Loudonville, New York 12211-2043

GARY L. SHARPE,
U.S. DISTRICT JUDGE

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge David R. Homer, duly filed November 21, 2005. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

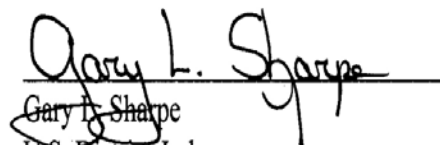
ORDERED, that the Report-Recommendation of Magistrate Judge David R. Homer filed November 21, 2005 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED, that the complaint be dismissed without prejudice in accordance with Fed. R. Civ. P. 4(m) and N.D.N.Y.L.R. 4.1(b), and it is further

ORDERED, that the Clerk of the Court is to enter judgment in favor of Defendant and close this case.

IT IS SO ORDERED

Dated: December 16, 2005
Albany, New York



Gary L. Sharpe
U.S. District Judge